

Brian Mitchell Smith
Name
P.O. Box 235
Mailing address
Talkeetna AK 99676
City, State, Zip
907-203-5505
Telephone

RECEIVED

AUG 31 2023

CLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Brian Mitchell Smith,
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

Case No. 3:23-cv-00197-SLG
(To be supplied by Court)

Pursuit Collection,
Alaska Talkeetna Lodge,
(Enter full names of defendant(s) in this action.
Do NOT use *et al.*)

Defendant(s).

COMPLAINT UNDER
THE CIVIL RIGHTS ACT
42 U.S.C. § 1983

(NON-PRISONERS)

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you assert jurisdiction under any different or additional authorities, please list them below:

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Brian Mitchell Smith,
(print your name)
who presently resides at P.O. Box 235, Talkeetna AK 99676,
(mailing address)

were violated by the actions of the individual(s) named below.

Cristopher Moraga, Temile Wise, Desere' Tuarez

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Christopher Moraga is a citizen of CA and is employed as a Beilstaff.
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Temiel Wise is a citizen of AK and is employed as a Administrator.
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Desere Traces is a citizen of N/A and is employed as a Payroll clerk.
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Claim 1: On or about 8-23-2022, my civil right to

Incentive Bonus, offer For Rehire/Unlawful Termination

(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Alaska Talkeetna Lodge/Pursuit collection

(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

on 7/8/2022 I was hired by Temiel Wise to work as bellstaff at the Alaska talkeetna lodge. my supervisor christopher moraga and I discussed my two weeks notice because I would be leaving to go up to the North Slope prudoc bay area for the cold season. He did not relay the information I provided him with to our manager Ashley although he lied and said he did. Christopher assured me I would receive my 5% bonus of \$12,680.00 in october and that my offer for rehire was good for the 2023 season with an additional 10% bonus at the end of the season. No money for the bonus was ever deposited into my account. So I got in touch with Anna, one of the desk managers and they falsly accused me of abandoning my position and ranting. my offer for rehire was rescinded without justification and I never received my end of the season bonus. After I did everything I was obligated to do under contract the Talkeetna Alaska lodge breached the terms of my employment contract and put me in a serious bind.

(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc. List **only one** violation.)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc. List **only one** violation.)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment?** _____ Yes ☒ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: _____ Dismissed _____ Appealed _____ Still pending

Issues Raised: _____

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: _____ Dismissed _____ Appealed _____ Still pending

Issues Raised: _____

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 90,000.00 USD

2. Punitive damages in the amount of \$ 90,000.00
3. An order requiring defendant(s) to make an offer for rehire
4. A declaration that my employment contractual obligations were fulfilled.
5. Other: _____
- Plaintiff demands a trial by jury. X Yes _____ No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at 38437 S missoula way on 8/26/2023
(Location) (Date)

Brian M Smith

(Plaintiff's Original Signature)

Brian M Smith

Original Signature of Attorney (if any)

8/26/2023

(Date)

Attorney's Address and Telephone Number

Brian Mitchell Smith
P.O. Box 235
Talkeetna AK 99676



United States District Court
222 West 7th Avenue #4
Anchorage AK, 99513-7564